

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PEARL HENYARD,)	
)	
Plaintiff,)	No. 1:15-CV-10835
)	
v.)	
)	Judge Edmond E. Chang
MV TRANSPORTATION and PACE)	
SURBUBAN BUS SERVICE,)	
)	
Defendants.)	

ORDER

Pearl Henryard brought this *pro se* lawsuit against her former employer, MV Transportation, Inc., and its client, Pace Suburban Bus Service. After Henryard brought the case without attorney representation, the Court recruited *pro bono* counsel for her, but Henryard fell out of communication. R. 6, 7, 40. After re-appearing, a disagreement between counsel and Henryard prompted the Court to recruit new counsel. R. 60, 66. But this representation too did not work out, R. 71, with Henryard terminating the representation, R. 75. Eventually, the Court granted summary judgment on the then-remaining claims, namely, a hostile work environment claim under Title VII, 42 U.S.C. 2000e *et seq.*, and an Illinois statutory eavesdropping claim, 720 ILCS 5/14-2(a)(1). R. 165.

The lack of attorney representation might explain the set of miscellaneous motions that Henryard filed on the docket *after* the appeal (not to mention the many motions filed during the appeal's pendency). This Order deals with the miscellaneous motions. But first it is necessary to explain that the Seventh Circuit affirmed the grants of summary judgment on May 20, 2021, in USCA No. 20-3462. The mandate issued on June 30, 2021. USCA No. 20-3642, R. 23.

In between the issuance of the order affirming the judgment (on May 20) and the issuance of the mandate (on June 30), Henyard filed a *second* notice of appeal, and it was docketed on June 17, 2021. R. 218. The second notice of appeal was assigned USCA No. 21-2141. *See* R. 222. The disposition of the second appeal was a dismissal for lack of jurisdiction, entered on September 9, 2021. R. 238. The Seventh Circuit explained that it had already affirmed the judgment and the “district court’s post-judgment orders regarding the correcting or supplementing of the record on appeal are no longer reviewable.” R. 238 at 1. The appellate court also noted that no district court order was entered within 30 days of the June 21, 2021, notice of appeal, so there was no appellate jurisdiction under the time limit set forth in 28 U.S.C. § 2107(a). *Id.*

On the same day as the issuance of the mandate in the first appeal (June 30, 2021), Henyard filed four motions on the district court docket, and on the next day (July 1), she filed four more. R. 227–234. The motions are described and decided as follows.

R. 227: Motion to supplement the record on appeal with Docket Entry 69 (which was Henyard’s *ex parte* motion to dismiss the recruited pro bono counsel). This motion is denied because the mandate issued and the appeal is over.

R. 228: Motion to correct court-reporter name in “caption” for USCA No. 21-2141. It is not clear exactly what Henyard is asking for here. As best as can be discerned, she believes the court reporter identified in “the caption” of an appeal filing, or perhaps an appeal-related filing, is incorrect. Given the end of appellate proceedings, this motion is denied.

R. 229: Motion to file transcript orders and transcript-information sheets on the docket. Henyard asks for two transcript orders and five transcript-information sheets “to be filed.” R. 229 at 1. It is not clear if the motion is asking for the orders and information sheets to be filed on the Seventh Circuit docket, which this Court has no authority to order. If the request is to add those documents to the district court docket, the motion is denied because appellate proceedings are over and there is no other reason to file these items on the docket (and, in practical effect, the documents are not in the record given their attachment to the motion).

R. 230: Motion “of notice of correction.” This motion simply points out that, on June 24, 2021, there was a notice of correction issued by the Clerk stating that the second notice of appeal and Docketing Statement, R. 218, 219, should bear filing dates

of June 17, 2021. R. 223 (notice of correction). That is exactly what the docket reflects, so this motion is terminated as unnecessary.

R. 231: Motion “of the error of post-judgment proceedings.” This motion points out that Henyard emailed (“electronically submitted” as the motion says, R. 231 at 1) a notice of appeal on April 29, 2021. The docket does not reflect that filing. This took some digging into, but it appears that on April 29, 2021, at 11:28 p.m., Henyard emailed 10 attachments to the pro-se-filing email account that the District Court has established during the pandemic. R. 231 at 6 (the page numbering refers to the PDF pagination). Remember that Henyard’s appeal of the judgment on the merits was already pending at this time, and had been since December 14, 2021. R. 168. On May 3, 2021, the Clerk’s Office responded, “Please contact the Court of Appeals regarding any filings related to your Appeals case.” R. 231 at 10. On inquiry into the April 29 email, the Court has confirmed that the “Notice of Appeal” that Henyard says she emailed, R. 231 at 3–4, was indeed emailed by her on that date.

So the Court acknowledges that the Notice of Appeal of April 29, 2021, R. 231 at 3–4, was received and should have been filed. But no further relief is appropriate. First, despite receiving the response from the Clerk’s Office on May 3 to contact the Court of Appeals, R. 231 at 10, Henyard took no further steps to obtain relief concerning the filing of the notice until she filed the July 1, 2021 motion, R. 231. By then, the mandate had already issued on the merits appeal in USCA No. 20-3462. Nor does the Seventh Circuit docket in USCA No. 20-3462 reflect any action by Henyard to raise the issue with the Court of Appeals. Indeed, even after the Seventh Circuit issued the May 20, 2021 order affirming the judgment, Henyard waited until after the issuance of the mandate to file this motion. The bottom line remains that the appeal was over by the time she filed this motion. Other than the acknowledgment of the April 29 email, the motion is denied.

R. 232: Motion “for correction.” This motion appears to argue that certain filings should have been “filed with” the June 17, 2021 notice of appeal. This motion is denied because the appellate proceedings are over.

R. 233: Motion “of notice of correction.” This is an exact duplication of R. 230, and is terminated as unnecessary on the same grounds.

R. 234: Motion “to correction the motion of notice of correction.” This motion asks to fix a misspelling in the judge’s name in the caption of R. 230 and R. 233 (the duplicate motions to correct). The motion is terminated as unnecessary.

ENTERED:

s/Edmond E. Chang
Honorable Edmond E. Chang
United States District Judge

DATE: March 29, 2022

ATTACHMENT

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Pearl Henyard,)	
Plaintiff,)	No. 1:15-CV- 10835
)	
v.)	
)	
MvTransportation and)	Honorable Judge
Pace Suburban Bus Service)	Edmond E. Chang
Defendants.)	

Notice of Appeal

Plaintiff, Pearl Henyard hereby appeals to the United States Court of Appeals for the Seventh Circuit from the post judgment proceedings of November 29, 2020 to challenge the entry of judgment on November 29, 2020 presenting the whole case on appeal. Plaintiff is also challenging a Minute Entry on March 18, 2021 pursuant to 28 U.S.C. § 1292(a)(1) to correct three lines in the transcript of the 11/25/2019 hearing which the motion is denied in most part and granted in part, as well as a Minute Entry on March 31, 2021 to supplement the record on appeal which is granted in part and denied part. Plaintiff Pearl Henyard will proceed on Appeal in, In Forma Pauperis which documentation is attached. (attached November 30, 2020 final judgment, Memorandum Opinion and Order entered on November 29, 2020, Minute Entry on November 30, 2020, Memorandum Opinion and Order enter on March 28, 2019, Minute Entries entered on January 9, 2020, March 18, 2021, March 31, 2021, April 19, 2021, Affidavit Accompanying Motion For Permission to Appeal In Forma Pauperis, Motion For Permission to Proceed on Appeal In Forma Pauperis, Affidavit In Support of Motion for Permission to Proceed on Appeal In Forma Pauperis, and the Minute Entry of the grant to proceed in, In Forma Pauperis.

Dated: 4/29/2021

/s/ Pearl Henryard

Pearl Henryard

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